

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONTE ROYES WILLIAMS,)	
)	
Plaintiff,)	2:04-cv-299
v.)	
)	
KUSNAIRS BAR & TAVERN, RANDALL)	
RUSIA, MARK RUSIA, Owners,)	
)	
Defendant.)	

MEMORANDUM ORDER

The Plaintiff's Complaint was received by the Clerk of Court on March 1, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation was filed on April 3, 2006. The Report recommended that the Motion for Summary Judgment be granted with respect to all claims pending against the Defendant Community Action, Inc. of Fayette County. It was also recommended that the Motion for Summary Judgment be granted with respect to all claims pending against the Defendant Mark Rusia. It was further recommended that the Motion for Summary Judgment be granted with respect to the state law defamation claim and the conspiracy claim based upon the provisions of 42 U.S.C. § 1985 filed against the Defendant Randall Rusia. Finally, as to Randall Rusia, it was recommended that the Motion for Summary Judgment be denied with respect to the claims based upon the provisions of 42 U.S.C. §§ 1981 and 1982, the Landlord-Tenant Law, the Unfair Trade Practices and Consumer Protection Law and the state law contract claim. Service was made on the Plaintiff by First Class United States Mail, delivered

to the Eastern Correctional Institution, 30420 Revels Neck Road, Westover, Maryland, where he is incarcerated and on the Defendants.

On April 14, 2006, the Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following ORDER is entered:

AND NOW, this 10th day of May, 2006,

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by the Defendant Community Action, Inc. of Fayette County is **GRANTED** with respect to all remaining claims.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by the Defendant Mark Rusia is **GRANTED** with respect to all remaining claims.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by the Defendant Randall Rusia is **GRANTED** in part and **DENIED** in part. The Motion is **GRANTED** respect to the defamation claim and the conspiracy claim based upon the provisions of 42 U.S.C. § 1985. The Motion is **DENIED** with respect to the claims based on the provisions of 42 U.S.C. §§ 1981 and 1982, the Landlord-Tenant Law, the Unfair Trade Practices and Consumer Protection Law and the state law contract claim.

IT IS FURTHER ORDERED, the Report and Recommendation of Magistrate Judge Caiazza, (Doc. 137), dated April 3, 2006, is adopted as the opinion of the court.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Donte Royes Williams, 324530
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